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🌟 (</subscribe/digital/>) Former Judges in Pennsylvania 'Kids for Cash' Scandal Must Pay \$206 Million in Damages

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by Ashleigh N. Dye

On August 18, 2022, a federal judge in Pennsylvania ordered two former state judges to pay \$206 million in damages for taking \$2.8 million in kickbacks to shut down Luzerne County's juvenile detention center, instead sending children — many first-time offenders as young as eight-years-old — to two new private facilities, PA Child Care and Western PA Child Care.

The “kids for cash” scandal led to an 11-day trial in 2011, after which former Judge Mark Ciavarella, 72, was found guilty on 12 counts of money laundering and racketeering. He was sentenced to 28 years in federal prison. The other former judge involved, Michael Conahan, 70, pleaded guilty to similar charges in 2010. He received 17-and-a-half years in federal prison, though he was released to home confinement in 2020 at the onset of the COVID-19 pandemic. A federal judge rejected Ciavarella's bid for sentence reduction in August 2020. The state and the firm belonging to prison contractor Robert K. Mericle have entered into settlements with thousands of juveniles caught up in the scheme for a total over \$24 million. In addition, some 4,000 juvenile convictions were ultimately tossed. [See: *PLN*, Mar. 2021, p.32.]

For his role in the scheme, Mericle's partner, developer Robert Powell, went to prison for 18 months in November 2011, when he was 52. Mericle, who was then 51, got a one-year sentence and a \$250,000 fine in April 2015.

In the civil suit against Ciavarella and Conahan, filed in federal court for the Middle District of Pennsylvania, Judge Christopher Connor heard testimony from 282 of the formerly juvenile victims. Of those, 78 were younger than 13 when sentenced. Now adults, they spoke about the emotional, physical, and mental damage they experienced from their incarceration.

The “[p]laintiffs are the tragic human casualties of a scandal of epic proportions,” the judge declared, awarding them compensatory damages of \$1,000 per day for each day of wrongful detention — though as one victim stated, “No amount of money can fix the once happy child forever lost years ago.”

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The damages were calculated from injuries that include depression, anxiety, Post-Traumatic Stress Disorder and other mental health issues. Some of the juvenile victims have died from overdoses or suicides. One of the deceased victim's parents testified about that loss.

"He couldn't get over it," the grieving parent recalled. "Every place he went, even though all this was supposed to disappear, nope, you were involved in all of these crimes, you're no good. That's all he ever heard. He couldn't take it no more."

To the total award of \$106.3 million, Connor then added \$100 million in punitive damages, saying "[a] more appropriate case for punitive damages is difficult to conjure." See: *Wallace v. Powell*, 2022 U.S. Dist. LEXIS 146700 (M.D. Pa.).

Plaintiffs moved to extend their deadline for requesting costs and fees for a lengthy list of attorneys to December 31, 2023. The Court granted that request on August 25, 2022. See: *Wallace v. Powell*, USDC (M.D. Pa.), Case No. 3:09-cv-00286.

Of course, two elderly prisoners may not be able to pay even a fraction of the award. But one of Plaintiffs' attorneys, Juvenile Law Center co-founder Marsha Levick, nevertheless called it "a huge victory," saying it "recognizes the gravity of what the judges did to these children."

Additional sources: *Philadelphia Inquirer*, *Wall Street Journal*, *Wilkes-Barre Times Leader*

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